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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/827,182	04/19/2004	Tammy L. Keck	240/1	2443
7590	02/27/2007			
Schwartz Law Firm, P.C. Suite 530 SouthPark Towers 6100 Fairview Road Charlotte, NC 28210			EXAMINER ABDULSELAM, ABBAS I	
			ART UNIT 2629	PAPER NUMBER
SHORTENED STATUTORY PERIOD OF RESPONSE 3 MONTHS	MAIL DATE 02/27/2007		DELIVERY MODE PAPER	

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/827,182	KECK, TAMMY L.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Abbas I. Abdulselam	2629	

— The MAILING DATE of this communication appears on the cover sheet with the correspondence address —  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1) Responsive to communication(s) filed on 18 July 2006.  
 2a) This action is FINAL.                            2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4) Claim(s) 1-12 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-12 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17:2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) Notice of References Cited (PTO-892)  
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) Information Disclosure Statement(s) (PTO/SB/08)  
 Paper No(s)/Mail Date \_\_\_\_\_.  
 4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date. \_\_\_\_\_.  
 5) Notice of Informal Patent Application  
 6) Other: \_\_\_\_\_.

**DETAILED ACTION**

*Specification*

**Objections**

1. The disclosure is objected to because of the following informalities: Paragraph [0029], the second sentence has a phrase “rolling mouse ball-the”, which should be “the rolling mouse ball 22. The...”, and Paragraph [0030], the third sentence has a phrase “limitation-the”, which should be “limitation. The....”. Appropriate corrections are required.
2. The abstract of the disclosure is objected to because there is a space between the last two sentences of the abstract. Correction is required. See MPEP § 608.01(b).

*Trademark*

3. The use of the trademark “Spandex.RTM” (paragraph [0028]) has been noted in this application. It should be capitalized wherever it appears and be accompanied by the generic terminology.

Although the use of trademarks is permissible in patent applications, the proprietary nature of the marks should be respected and every effort made to prevent their use in any manner which might adversely affect their validity as trademarks.

*Claim Rejections - 35 USC § 102*

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-2 are rejected under 35 U.S.C. 102(b) as being anticipated by Held (USPN 6099934).

Regarding claim 1, Held (USPN 6099934) teaches a cover for use on a computer mouse having an outer shell and a mouse ball projecting from the shell (*col. 3, lines 12-22, Fig. 1 (10, 16), Fig. 2 (26), a cover (10) for a computer mouse (12), which has a upper surface (16), a bottom (14) and a distending side portion (26) between the upper surface (16) and bottom (14), and col. 3, lines 39-40, Fig. 2 (42), a friction ball (42) rolling on a surface*), said cover comprising: (a) top and bottom panels joined together along respective sides and forming an end opening adapted for receiving the computer mouse inside said cover (*col. 3, lines 26-43, Fig. 2 (32, 34, 38, 44), the cover (10) includes a flap (34), a bottom portion (38), sheath (32), and a fastening means (44) such that the flap (34) is connected to the sheath (32) with the flap (34) overlaying part of the upper surface (16) and exposing the rest of the upper surface by providing an opening, and the fastening means (44) anchors the sheath (32) and connects the flap (34) to the mouse (12)*), and (b) said bottom panel defining a ball hole for accommodating passage of the mouse ball through said cover and onto a supporting surface (*col. 3, lines 38-40, Fig. 2 (38, 42), the cover (10) includes a bottom portion (38) which has an opening (40) allowing the friction ball (42) to roll on a surface*).

Regarding claim 2, Held teaches means for substantially closing said end opening, such that the computer mouse is substantially encased within said cover (*col. 3, lines 44-47, Fig. 3 (46, 32, 48, 50), the fastening means (44) includes a first band (46) connecting to the sheath (32) at anchor points (48, 50), col. 3, lines 57-60, type of connectors include mating fasteners and button, and col. 3, lines 60-67, and the flap (34) extends over the upper surface (16) of the mouse (16), and the sheath (32) covers over the side portion (26) of the mouse (12) to a great extent.*).

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 3-6 and 8-12 are rejected under 35 U.S.C. (103) as being unpatentable over Held (USPN 6099934) in view of Adler (USPN 6256015).

Regarding claims 6 and 8, Held teaches a cover for use on a computer mouse having an outer shell, a mouse ball projecting from a bottom of the shell (*col. 3, lines 12-22, Fig. 1 (10, 16), Fig. 2 (26), a cover (10) for a computer mouse (12), which has a*

*upper surface (16), a bottom (14) and a distending side portion (26) between the upper surface (16) and bottom (14), and col. 3, lines 39-40, Fig. 2 (42), Fig. 3 (14, 42) a friction ball (42) rolling on a surface below the bottom (14)), said cover comprising: (a) top and bottom panels joined together along respective sides and forming an end opening adapted for receiving the computer mouse inside said cover (col. 3, lines 26-43, Fig. 2 (32, 34, 38, 44), the cover (10) includes a flap (34), a bottom portion (38), sheath (32), and a fastening means (44) such that the flap (34) is connected to the sheath (32) with the flap (34) overlaying part of the upper surface (16) and exposing the rest of the upper surface by providing an opening, and the fastening means (44) anchors the sheath (32) and connects the flap (34) to the mouse (12)), and said top and bottom panels further comprising means for substantially closing said end opening (col. 3, lines 44-47, Fig. 3 (46, 32, 48, 50), the fastening means (44) includes a first band (46) connecting to the sheath (32) at anchor points (48, 50), col. 3, lines 57-60, type of connectors include mating fasteners and button); (c) said bottom panel defining a ball hole for accommodating passage of the mouse ball through said cover and onto a supporting surface (col. 3, lines 38-40, Fig. 2 (38, 42), the cover (10) includes a bottom portion (38) which has an opening (40) allowing the friction ball (42) to roll on a surface); and (d) adapted for moving moisture away from a hand of the user.*

Held does not teach a mouse cover including "a scroll wheel projecting from a top of the shell for access by a user", and "said top panel defining a wheel hole for accommodating access to the scroll wheel through said cover".

*Adler on the other hand teaches a cover (10) for a computer mouse (12), the mouse (12), the mouse (12) including buttons (20L, 20R) as well as a third optional actuating button or wheel positioned between the buttons (20R, 20L) (col. 3, lines 25-30), and the cover (10) including a shell (30) such that the shell (30) has apertures (44) with each of the apertures (44) being positioned in the shell (30) to overlie a corresponding one of the buttons on a front portion of (18) of the mouse (12), wherein each button can be directly actuated with a finger of the user's hand (24) (col. 3, lines 28-33, col. 3, lines 60-65, and Fig. 1(10, 12, 44, 30, 20L, 20R).*

*Note that Adler teaches the use of an optional third actuating button or wheel positioned between the buttons (20L 20R) (col. 3, lies 28-30), and discloses only a pair of apertures (44) corresponding to the buttons (20r, 20L). One of ordinary skill would have ascertained that an optional use of a wheel would have a corresponding optional aperture as well. Furthermore, one of ordinary skill would have ascertained the use of Adler's optional wheel on the top of the mouse (12) involves scrolling or rolling.*

*Therefore, It would have been to one of ordinary skill in the art at the time the invention was made to combine Held's mouse cover (10) (shown in Fig. 1) with Adler's use of optional wheel along with a corresponding aperture (as illustrated with respect to fig. 1), because the use of an optional wheel along with other buttons through apertures helps conform the mouse (12) with the mouse cover as taught by Adler (col. 3, lines 5-16, and col. 3, lines 25-30).*

While Held teaches, "said top and bottom panels being constructed of a fabric" (col. 3, lines 27-29, *sheath (32) may be constructed of any material such as cotton and nylon sheath (32), and col. 3, lines 26-27, the sheath (32) is a part of the mouse cover (10)*),

Held does not teach specifically teach "said top and bottom panels being constructed of a fabric adapted for moving moisture away from a hand of the user".

*Adler on the other hand teaches a shell (30) of a mouse cover 10, which can be made from a variety of materials, including, without limitation, metal, wood, paper, and even hand-tooled leather, and discloses the shell (30) can be manufactured using a variety of fabrication methods, including thermoforming, injection molding (col. 6, lines 26-38). Adler also teaches the mouse cover is designed to protect the mouse from moisture of the user's hand (col. 1, lines 47-50).*

*It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Held's mouse cover (10) (shown in Fig. 1) with Adler's use of a fabrication process, which would result in moisture preventive characteristic of a mouse cover, because the use such of a fabrication of a mouse cover helps achieve a mouse cover that fits down closely to the mouse and is reliable in operation as taught by Adler (col. 1, lines 47-50 and col. 2, lines 24-26).*

Regarding claims 3-5 and 9-11, Held teaches a first flap on top panel (col. 3, lines 33-35, Fig. 2 (34), a flap (34)), said means for closing (col. 3, lines 44-47, Fig. 3 (46, 32, 48, 50), the fastening means (44) includes a first band (46) connecting to the sheath (32) at anchor points (48, 50), col. 3, lines 57-60, type of connectors include mating fasteners and button), comprises first and secondary complementary fasteners (col. 3, lines 56-60, hook and pile fasteners).

*Note that Held teaches a hook and pile fasteners (col. 3, lines 56-60), and one of ordinary skill in the art would have ascertained that hook and pile fasteners are functional equivalents to hook and loop fasteners.*

Held does not specifically teach first and second closure flaps are formed with respective top and bottom panels at the end opening such that the first and second complementary fasteners each comprising a hook and loop fastener strips are located at respective closure flaps, wherein

the hook and loop fastener strips extends laterally at the end opening from one side of a cover to the other.

*Adler on other hand teaches a cover (10) for a mouse (12), the cover including a shell (30), which includes an upper surface (32) and a lower surface (34) such that if the material of the shell (30) is sufficiently ductile, two flaps (56) on either side of the slit (54) can be spread, wherein the flaps (54) could be closed as shown in Fig. 8 (56, 54) (col. 3, lines 31-33 and col. 4, lines 54-63).*

*Note that Adler teaches the material of the shell (30) being ductile and the formation of the flaps (56) on either side of the slit (54), the slit being (54) vertical, (see fig. 8(54)). One of ordinary skill in the art would have ascertained to alternate the two flaps to be made on either side of a horizontal slit since the upper surface (32) and the lower surface (34) are also part of the same ductile shell (30). Furthermore, since the shell (30) is ductile material, one of ordinary skill in would have ascertained that the alternate two flaps on either side of the horizontal slit could be expanded across a whole front part of the mouse from one end to another.*

*Therefore, It would have been obvious to one of ordinary skill in the art at the time the invention was made to recognize Held's hook and pile fasteners, as a fastening means and combine Held's mouse cover (10) (shown in Fig. 1) with Adler's use of ductile material which enables a formation of expanded flaps across the front part of the mouse, because the use of expanded flaps allows an alternate access for maintenance purpose, and also enables a mouse cover to permit an easy insertion of a resilient mouse cable into the cover as taught by Adler (col. 4, lines 64-67).*

Regarding claim 12, While Held teaches, "said fabric" (col. 3, lines 27-29, sheath (32) *may be constructed of any material such as cotton and nylon sheath (32), and col. 3, lines 26-27, the sheath (32) is a part of the mouse cover (10)),*

Held does not teach specifically teach, "said fabric comprises hydrophilic fibers".

*Adler on the other hand teaches a shell (30) of a mouse cover 10, which can be made from a variety of materials, including, without limitation, metal, wood, paper, and even hand-tooled leather, and the shell (30) can be manufactured using a variety of fabrication methods, including thermoforming, injection molding (col. 6, lines 26-38).*

*It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Held's mouse cover (10) (shown in Fig. 1) with Adler's use of a variety of materials along with various fabrication processes, because the use of a variety of materials along with various fabrication techniques helps determine the material from which a shell (30) of a mouse cover (10) could be manufactured as taught by Adler (col. 6, lines 27-28).*

8. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Held (USPN 6099934).

Regarding claim 7, while, *Held teaches that the sheath (32) (on the side of the mouse) may be constructed of any material such as cotton and nylon (col. 3, lines 27-29).*

Held does not specifically teach, "said top and bottom panels are constructed of a fabric comprising fibers selected from the group consisting of polyester, cotton, and nylon".

*However, it would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the same material (cotton and nylon) for the manufacture of Held's mouse cover (10), because the sheath (32), which could be constructed from cotton or nylon is one of the elements*

*and is a part of the mouse cover (10), which also includes the top (34) and bottom (38) of the cover (10) as taught by Held (col. 3, line 26-29, col. 3, lines 33-34 and col. 3, lines 38-40).*

***Conclusion***

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following art are cited for further reference.

U.S. Pat No. 6,896,948 to Griswold teaches a computer mouse cover (10) designed to be removably attached with a computer mouse (1) (col. 2, lines 19-21).

U.S. Pat. No. 6,798,398 to Smith et al. teach a mouse with a complaint cover (12) including an opening, which enables pressure switches to be used (col. 2, lines 63-67 and col. 3, lines 1-9).

JP 103301713 to Tsutomu teaches a cover (2) for the mouth (1) such that the cover (2) is fixed to the mouse (1) by a hook-and loop fastener (3) (see the abstract).

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Abbas I. Abdulselam whose telephone number is 571-272-7685. The examiner can normally be reached on Monday through Friday from 9:00 A.M. to 5:30 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Hjerpe, can be reached on 571-272-7691. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Abbas abdulselam

Examiner

Art Unit 2629

January 27, 2007

